

**III. Remarks**

Applicants are grateful to the Examiner for withdrawing the § 112, ¶1 rejection of the claims.

Claims 1, 44, 48 and 49 have been amended as set forth above and discussed in more detail below.

New claims 52-55 have been added, examination of which is respectfully requested.

**A. Rejection under 35 U.S.C. §103****1. Meier et al.**

The Action rejects Claims 1, 3-5, 8-9, 12, 36, 43-45 and 47-51 as being obvious from newly cited U.S. Patent No. 5,169,700 to Meier et al.

In the Response to Arguments section of the Action, the Examiner states that the rejection of these claims is now based on the embodiment of Meier shown in FIG. 7, where the facing sheets 54 and 38 extend out beyond the fiber glass material and are attached to each other, as by heat sealing or stitching, to form a bonded flange 62 comprised of the overlapping sheets. (Column 4, Lines 57-62). The Examiner concluded that Applicants' previous amendments did not define over this embodiment because the previous amendment did not "positively require a surface of a reinforcing layer to be bonded completely to the surfaces of adjacent insulation layers. Therefore, this embraces an embodiment in figure 6 [sic], where it illustrates adjacent insulating layers are bonded together via a flange peripheral portion of each non-woven web."

Turning first to independent claim 1, Applicants submit that independent claim 1 has been amended to clearly distinguish claim 1 over the embodiment of FIG. 7 of Meier. In the embodiment of FIG. 7, each layer 38 that is disposed between insulation layers 46 is directly adhered to only one of the insulation layers 46. Further, the individual layers 38 are attached to each other only by their connection at the bonded flange 62. The layers 38 are not adhered to

one another at locations between the insulation layers 46, nor are the insulation layers 46 bonded to one another therebetween.

Amended claim 1 recites that “said at least one reinforcing layer being directly bonded to a respective major surface of each of said insulation layers and forming a bond located between said insulation layers along said respective major surfaces.” Such a bond “located between said insulation layers along said respective major surfaces” can be formed by, for example, a single reinforcing layer directly bonded (such as with binder) to the respective major surfaces of both insulation layers (e.g., FIG. 5 of the present application) or multiple reinforcing layers directly bonded (such as with binder) to respective major surfaces of both insulation layers and to each other along mating faces between the insulation layers (e.g., FIG. 5A of the present application).

Returning to Meier, Applicants submit that it is undisputed that there is no bond between layers 38 of FIG. 7 that is located between the insulation layers 46. Rather, the layers 38 are fused at a peripheral region outside of the insulation layers 46 to form flange 62. Therefore, it is submitted that Meier does not teach or suggest “said at least one reinforcing layer being directly bonded to a respective major surface of each of said insulation layers and forming a bond located between said insulation layers along said respective major surfaces” as claimed in claim 1. For at least these reasons, it is submitted that claim 1 is not obvious from and is allowable over Meier.

Claims 3-5, 8-9, 12, 36, 43 and 51 depend from claim 1 and are, therefore, allowable for at least the reason set forth above in connection with claim 1.

Independent claim 44 recites that the insulation product includes a plurality of flexible reinforcing glass nonwoven layers disposed between the first and second insulation layers and extending along a length of said batt. The claim recites further that at least two reinforcing layers are directly coupled together between said insulation layers along respective faces, whereby said insulation product is separable at an interface of said reinforcing layers to form at least two insulation products. As discussed above in connection with claim 1, the layers 38 of

FIG. 7 are only bonded together in the peripheral area of the product to form flanges 62. There is no direct coupling of the layers 38 along respective faces "between the insulation layers" as claimed in amended claim 44.

For at least these reasons, it is submitted that claim 44 is not obvious from and is allowable over Meier.

Claims 45, 47 and 48 depend from claim 44 and are, therefore, allowable for at least the reasons set forth above in connection with claim 44.

Dependent claim 48 has also been amended to recite that the reinforcing layers are bonded together between said insulation layers by said binder, said bond between said reinforcing layer being weaker than a bond between said flexible reinforcing glass layers and said insulation layers. The bond between the layers 38 of FIG. 7 of Meier is a heat seal. There is no bond located between the insulation layers, and certainly not using the same binder used in bonding the fibers of the insulation layers and in bonding the insulation layers to layers 38. Still further, there is no teaching or suggestion of a binder bond between the layers 38 that is weaker than the binder bond between the layers 38 and the insulation layers 46. For at least these reasons, it is submitted that dependent claim 44 is independently allowable over the cited reference.

Independent claim 49 is also directed to a batt insulation product. Amended claim 49 recites that "a prefabricated flexible reinforcing non-woven tissue layer" has a first face bonded to a major surface of the first insulation layer at least in part with the binder and a second face bonded to a major surface of the second insulation layer at least in part with the binder, whereby the insulation layers are bonded together along the major surfaces. As detailed above, Meier does not teach a reinforcing layer having two faces that are both bonded to insulation layers with the binder. FIG. 7 of Meier shows two layers 38, each individually bonded to a single insulation layers. Likewise, the layers 38 of the embodiments of FIGS. 4 and 6 are only bonded along their

respective faces to a single insulation layer. It is for this reason that Meier must rely on a wrapper or sleeve 50 (FIG. 4), for example, to secure the loose stack of insulation layers.

For at least the foregoing reasons, it is submitted that independent claim 49 is not obvious from and is allowable over the cited reference.

Claim 50 depends from claim 49 and is, therefore, allowable for at least the reasons set forth above in connection with claim 49.

In accordance with the foregoing arguments and amendments, reconsideration and withdrawal of the obviousness rejection of claims 1, 3-5, 8-9, 12, 36, 43-45 and 47-51 are respectfully requested.

## **2. Meier and Knapp**

The Action rejects claims 15-16 and 41-42 as being obvious from Meier in view of U.S. Patent No. 5,848,509 to Knapp et al. Claims 15-16 and 41-42 depend from independent claim 1 and are, therefore, allowable for at least the reasons set forth above in connection with claim 1.

Reconsideration and withdrawal of the rejection of claims 15-16 and 41-42 are respectfully requested.

## **B. New Claims**

New claim 52 is presented and depends from claim 1. Claim 52 recites that the at least one reinforcing layer is a single reinforcing layer having first and second faces, the first face of said single reinforcing layer being directly bonded to said respective major surface of said first insulation layer and said second face of said single reinforcing layer being directly bonded to said respective major surface of said second insulation layer. As discussed above, Meier fails to teach or suggest a single reinforcing layer having faces directly bonded to the major surfaces of two insulations layers. For at least this reason, it is submitted that claim 52 is independently allowable over the art of record.

New claim 53 depends from claim 52 and recites that the single reinforcing layer is bonded to the major surfaces of said insulation layers with the binder. As discussed above, Meier discloses neither a single reinforcing layer bonded to multiple insulation layers nor doing so with binder. For these additional reasons, it is submitted that claim 53 is independently allowable over the art of records.

New claim 54 depends from claim 47 and recites that the flexible reinforcing layers are bonded together at the interface by the binder. Meier fails to disclose bonding reinforcing layers together with the binder used to bind the fibers of the insulations layers and the reinforcing layers to the insulation layers. For these additional reasons, it is submitted that claim 54 is independently allowable over the art of record.

New independent claim 55 is presented and is directed to a batt insulation product. A prefabricated flexible reinforcing non-woven tissue layer is bonded to major surfaces of both of insulation layers by the binder, whereby said insulation layers are bonded together along said major surfaces. As discussed above, Meier fails to teach or suggest bonding such a reinforcing layer to both insulation layers with binder. It is submitted, therefore, that claim 55 is allowable over the art of record.

Examination and allowance of new claims 52-55 are respectfully requested.


**IV. Conclusion**

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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